

REMARKS

Upon reviewing in detail the Office Action of February 11, 2004, Applicants' undersigned representative recognized (as it was best understood, except for the fact that the Office Action Summary sheet now indicated that the case had 20 claims pending) that the Action was essentially a duplicate of the prior Office Action, of August 27, 2003, which prior Action's Summary sheet listed only 13 claims (see enclosed copy). Applicant timely responded to that first Office Action on November 21, 2003 (see enclosed Response copy). Thus, when reviewing the second Office Action, the undersigned immediately noted that it did not address the by-then pending newly-added claims 14-20, and further, that it did not raise any new issues, but simply a duplicate of the first Action.

Thus, on February 20, 2004, the undersigned spoke with the Examiner concerning this situation, explaining the above status, and that some mistake must have been made in what we were sent, and requesting that a new substantive second Action be sent. The Examiner acknowledged the inadvertent mistake on his part. He kindly indicated that the next (i.e. second) Action was intended to be non-final, that the original form of the second Action was actually sent in error and should be disregarded, and that a new replacement Office Action was promised to be sent out within the next few weeks, whereupon the response time would be re-started based on a new mailing date of that "corrected" replacement second Office Action.

However, no such replacement second Action was ever received by the undersigned. Thus, at the undersigned's request, his administrative assistant, Mary Kay Darr, called on March 10, 2004 and left a message with the Examiner inquiring as to when the replacement Office Action could be expected. Thereafter, a voice mail from the Examiner was then left with Ms. Darr, on March 11, 2004, and then forwarded by her to the undersigned (copy of transcribed Examiner voice mail enclosed). Thereafter, an Interview Summary was mailed by the Office on March 15, 2004 (copy enclosed). Then, on April 19, 2004, and again on May 10, 2004, Ms. Darr called the Examiner inquiring as to when a replacement Office Action could be expected. After the second such telephone inquiry, the Examiner phoned Ms. Darr and again promised the replacement Office Action in the next few weeks (see enclosed copy of transcribed voice mail left with Ms. Darr on May 11, 2004).

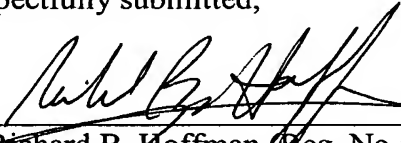
Thus, for the record, it is noted that, to date, Applicants have yet to receive a corrected, replacement second Office Action. Hence, and simply as a precaution so as to prevent any inadvertent abandonment of the subject application to occur, Applicants are filing this Response and Record of Interview. Applicants again would respectfully request that the Office send out the correct replacement version of the second Office Action, and also at that time to address the prior response and the newly-added claims 14-20, and further, to include a new response due date, to all of which Applicants will then timely respond.

In light of the fact that this most recent "incorrect" Office Action did not raise any new issues, Applicants believe that, although four months have passed since its date of mailing, an extension of time fee for this "status" Response and Record of Interview is not necessary. However, should the Office believe otherwise, then the Director is authorized to charge our Deposit Account No. 13-2855, under Order No. 30051/38200.

A replacement second Office Action is now respectfully requested.

Dated: June 18, 2004

Respectfully submitted,

By 

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